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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,064	11/26/2003	Baudry Jean-Pierre	206,371	8623
7590 05/04/2005 Abelman, Frayne & Schwab 150 East 42nd Street New York, NY 10017			EXAMINER HOLZEN, STEPHEN A	
			ART UNIT 3644	PAPER NUMBER
DATE MAILED: 05/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/723,064

11/26/2003

Baudry

EXAMINER

Hoken, Stephen

ART UNIT	PAPER
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3644

20050429

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached Detailed Action

Sah

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed 2/3/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure can be found throughout the specification.

Examples of improper amendments are listed below, however **this list is not intended to be comprehensive. Applicant is required to review his substitute specification and remove all entries of new matter:**

- a. Page 6, line 1: "initial resource" was amended to "first means". These phrases have different scopes and different meaning, especially where the applicant intends to employ 112(6<sup>th</sup>) paragraph.
- b. The phrase "third indication resource" has been amended to read "third means of indication". These phrases have different scopes and different meaning, especially in light of 35 USC 112 6<sup>th</sup> paragraph.
- c. The phrase "throttle re-application" has been changed to "go-around".

These phrases have different scopes and different meanings.

Applicant is required to cancel the new matter in the reply to this Office Action.

2. The substitute specification filed 2/3/2005 has not been entered because it does not conform to 37 CFR 1.125(b) and (c).

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3. The drawings were received on 2/3/2005. These drawings are informal although they are acceptable.

4. The title, as amended is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It does not describe the invention because all planes have flight paths, so a device that assists in attaining "a flight path" is not descriptive of the actual invention. Also a device that assists in attaining a flight path includes (1) wing, (2) throttle, (3) autopilot, (4) ground control, (5) radar, etc. A new descriptive title is required.

5. The reply filed on 2/3/2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the applicant has cancelled claims 1-30 and amended the original claims and inserted them as new claims (31-60), in order to overcome 35 USC 112 and 35 USC 102 rejections. The applicant however has presented arguments for the patentability of the cancelled claims (1-30). See line 17+ on page 40 of the replies dated 3/14/2005 and 2/3/2005.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harvey E Behrend can be reached on 571-272-6871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sah

  
MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER